

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**FORTY-SIXTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 25, 2016**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent – Thompson. Total – 1.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Abigail Dixon, Page.

### **3RD ORDER**

#### **Approval of Journal**

February 25, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-fifth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

### **4TH ORDER**

#### **Consideration of Messages from the Governor and the Senate**

OFFICE OF THE GOVERNOR  
Boise

February 25, 2016

The Honorable Scott Bedke  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 446](#)

As Always - Idaho, "Esto Perpetua"  
/s/ C.L. "Butch" Otter  
Governor

February 24, 2016

Mr. Speaker:

I return herewith enrolled [H 352](#), [H 359](#), [H 360](#), and [H 376](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 352](#), [H 359](#), [H 360](#), and [H 376](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 24, 2016

Mr. Speaker:

I transmit herewith [S 1265](#), [S 1235](#), [S 1318](#), [S 1311](#), and [S 1281](#) which have passed the Senate.

NOVAK, Secretary

[S 1265](#), [S 1235](#), [S 1318](#), [S 1311](#), and [S 1281](#) were filed for first reading.

### **5TH ORDER**

#### **Report of Standing Committees**

February 25, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 44](#), [HCR 45](#), [H 532](#), [H 533](#), [H 534](#), and [H 535](#).

WILLS, Chairman

[HCR 44](#), [HCR 45](#), and [H 532](#) were filed for second reading.

[H 533](#) was referred to the Health and Welfare Committee.

[H 534](#) and [H 535](#) were referred to the Revenue and Taxation Committee.

February 24, 2016

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration [H 496](#) and recommend that it do pass.

LUKER, Chairman

[H 496](#) was filed for second reading.

February 24, 2016

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 524](#) and recommend that it do pass.

ANDRUS, Chairman

[H 524](#) was filed for second reading.

February 24, 2016

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 525](#) and report it back with amendments attached to be placed on General Orders for consideration.

ANDRUS, Chairman

[H 525](#) was placed on General Orders for consideration.

February 25, 2016

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 498](#) and [H 500](#) and recommend that they do pass.

WOOD, Chairman

[H 498](#) and [H 500](#) were filed for second reading.

February 25, 2016

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 515](#) and [H 527](#) and recommend that they do pass.

DEMORDAUNT, Chairman

[H 515](#) and [H 527](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### **7TH ORDER Motions, Memorials, and Resolutions**

#### **HOUSE CONCURRENT RESOLUTION NO. 46 BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE, URGING IDAHOANS TO PARTICIPATE IN THE ACTIVITIES SURROUNDING THE 2016 U.S. CAPITOL CHRISTMAS TREE, URGING COMMUNITIES, BUSINESSES AND SCHOOLS THROUGHOUT THE STATE OF IDAHO TO CONTRIBUTE TOWARD THE EFFORT TO PROVIDE THE U.S. CAPITOL CHRISTMAS TREE, INCLUDING INVOLVING ORGANIZATIONS AND SCHOOLCHILDREN IN MAKING ORNAMENTS FOR THE TREE AND URGING IDAHOANS TO PARTICIPATE IN ANY COMMUNITY CELEBRATIONS THAT MAY OCCUR IN THEIR COMMUNITY AS THE U.S. CAPITOL CHRISTMAS TREE TRAVELS ITS ROUTE THROUGHOUT THE STATE OF IDAHO PRIOR TO ITS TRIP ACROSS THE UNITED STATES TO WASHINGTON, D.C.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the custom of placing the "People's Christmas Tree" on the West Front Lawn of the United States Capitol in Washington, D.C., dates back to 1964, and since 1970, the "People's Christmas Tree" has come from a national forest; and

WHEREAS, Idaho has been given the unique honor to provide the U.S. Capitol Christmas Tree in 2016 and a 60 to 85 foot tall tree will be harvested from the Payette National Forest in November 2016 pending selection from the nation's Architect of the Capitol; and

WHEREAS, the 2016 tree will be from Idaho and this project provides an excellent opportunity to highlight Idaho and the national forests located here; and

WHEREAS, in addition to providing the U.S. Capitol Christmas Tree, 70 smaller companion trees will be provided for federal government offices; and

WHEREAS, Idahoans can become directly involved in helping make approximately 8,000 handcrafted ornaments to decorate the U.S. Capitol Christmas Tree; and

WHEREAS, community celebrations will occur in Idaho as the U.S. Capitol Christmas Tree travels a route throughout the state prior to its cross-country trip to our nation's capitol.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge Idahoans to participate in the activities surrounding the 2016 U.S. Capitol Christmas Tree.

BE IT FURTHER RESOLVED that we urge communities, businesses and schools throughout the State of Idaho to contribute toward the effort to provide the U.S. Capitol Christmas Tree, including involving organizations and schoolchildren in making ornaments for the tree.

BE IT FURTHER RESOLVED that we urge Idahoans to participate in any community celebrations that may occur in their communities as the U.S. Capitol Christmas Tree travels its route throughout the State of Idaho prior to its trip across the United States to Washington, D.C.

#### **HOUSE CONCURRENT RESOLUTION NO. 47 BY HEALTH AND WELFARE COMMITTEE A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND PROCLAIMING THE MONTH OF MARCH 2016 AS SOCIAL WORK RECOGNITION MONTH AND CALLING UPON ALL CITIZENS TO JOIN WITH THE NATIONAL ASSOCIATION OF SOCIAL WORKERS IN CELEBRATION AND SUPPORT OF THE SOCIAL WORK PROFESSION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the primary mission of the social work profession is to enhance human well-being and help meet the basic needs of all people, especially the most vulnerable in society; and

WHEREAS, social work pioneers helped lead America's struggle for a better life for all citizens; and

WHEREAS, social workers attempt to reduce poverty and trauma that can create lifelong social and economic disadvantages; and

WHEREAS, social workers support all families in every community; and

WHEREAS, social workers help people in every stage of life function better in their environments, improve their relationships with others and solve personal and family problems; and

WHEREAS, social workers strive for a safe environment and the best educational possibilities available for all children; and

WHEREAS, dignity and caregiving for older adults help define a nation's character; and

WHEREAS, veterans and their families need community support to ensure successful transitions after service; and

WHEREAS, access to mental health treatment and health care services saves millions of lives; and

WHEREAS, social workers believe in prosperity and opportunity for everyone; and

WHEREAS, social work research and advocacy identify community needs; and

WHEREAS, social workers celebrate the courage, hope and strength of the human spirit throughout their careers.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that in recognition of the numerous contributions made by America's 600,000 social workers and the almost 4,000 licensed social workers in Idaho, we proclaim the month of March 2016 as Social Work Recognition Month in Idaho and call upon all citizens of Idaho to join with the National Association of Social Workers in celebration and support of the social work profession and National Social Work Month.

[HCR 46](#) and [HCR 47](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**8TH ORDER**  
**Introduction, First Reading, and Reference**  
**of Bills and Joint Resolutions**

February 25, 2016

PETITION TO WAIVE JOINT RULE 20

Dear Speaker Bedke:

We, the undersigned, hereby petition the presiding officer of the House of Representatives pursuant to Joint Rule 20 to waive the provisions of Joint Rule 20 with regard to introduction of a proposed Constitutional Amendment after the 36th day of the Regular Legislative Session. This waiver would allow introduction of RS 24552 (HJR 4).

We would appreciate your consideration of this petition.

Sincerely,  
 /s/ Mike Moyle, Majority Leader  
 /s/ Brent J. Crane, Assistant Majority Leader  
 /s/ John Vander Woude, Caucus Chairman

The Speaker announced that pursuant to the 36th day deadline, and a petition being presented, Joint Rule No. 20 would be waived for the purpose of introducing a joint resolution to make an amendment to the Constitution of the State of Idaho.

**HOUSE JOINT RESOLUTION NO. 4**  
**BY STATE AFFAIRS COMMITTEE**  
 A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE STATE BOARD OF LAND COMMISSIONERS; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

**HOUSE BILL NO. 536**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO JUDICIAL REVIEW OF COUNTY ROAD OR HIGHWAY DISTRICT DECISIONS; AMENDING SECTION 40-208, IDAHO CODE, TO PROVIDE THAT EITHER PARTY TO A PROCEEDING MAY REQUEST APPOINTMENT OF A JUDGE WHO IS NOT A RESIDENT OF THE COUNTY WHERE THE ROAD OR PROPERTY IS LOCATED AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 537**  
**BY EDUCATION COMMITTEE**  
 AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-515A, IDAHO CODE, TO REVISE PROVISIONS REGARDING SUPPLEMENTAL CONTRACTS.

[HJR 4](#), [H 536](#), and [H 537](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1265](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

[S 1235](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

[S 1318](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

[S 1311](#), by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1281](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**10TH ORDER**  
**Second Reading of Bills and Joint Resolutions**

[H 481](#), by Health and Welfare Committee, was read the second time by title and filed for third reading.

[H 511](#) and [H 519](#), by Business Committee, were read the second time by title and filed for third reading.

[S 1219](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[H 494](#), [H 503](#), [HCR 39](#), and [HCR 40](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[SCR 136](#), [SCR 137](#), and [SCR 138](#), by Resources and Environment Committee, were read the second time by title and filed for third reading.

[SCR 141](#), [SCR 140](#), [SCR 139](#), and [S 1249](#), by Education Committee, were read the second time by title and filed for third reading.

[H 480](#), [H 482](#), and [H 483](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

**11TH ORDER**  
**Third Reading of Bills and Joint Resolutions**

Mr. Wills asked unanimous consent that [H 492](#) be returned to the Judiciary, Rules, and Administration Committee. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [H 331](#), as amended, retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [HCR 43](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

**[HCR 43](#) - IDAHO POWER COMPANY**

[HCR 43](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Anderst to open debate.

The question being, "Shall [HCR 43](#) be adopted?"

Whereupon the Speaker declared [HCR 43](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

**H 493 - FINES AND FORFEITURES**

**H 493** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Perry to open debate.

Mr. McCrostie asked unanimous consent that, pursuant to Rule 22, discussion of **H 461** be allowed in debate of **H 493**. There being no objection it was so ordered.

The question being, "Shall **H 493** pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Bateman, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Dayley, DeMordaunt, Dixon, Erpelding, Gibbs, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Malek, McCrostie, McDonald, Nate, Nye, Packer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Smith, Troy, Trujillo, VanOrden, Wills, Wintrow, Wood, Mr. Speaker. Total – 50.

NAYS – Andrus, Barbieri, Batt, Crane, Gannon, Gestrin, Harris, Luker, McMillan, Mendive, Miller, Monks, Moyle, Nielsen, Palmer, Shepherd, Sims, Vander Woude, Youngblood. Total – 19.

Absent – Thompson. Total – 1.

Total – 70.

Whereupon the Speaker declared that **H 493** passed the House. Title was approved and the bill ordered transmitted to the Senate.

**HCR 28, as amended - MILITARY FAMILIES**

**HCR 28**, as amended, was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Holtzclaw to open debate.

The question being, "Shall **HCR 28**, as amended, be adopted?"

Whereupon the Speaker declared **HCR 28**, as amended, adopted by voice vote and ordered the resolution transmitted to the Senate.

**H 356, as amended - MILITARY DIVISION**

**H 356**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Kauffman to open debate.

The question being, "Shall **H 356**, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Shepherd, Sims, Smith, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 66.

NAYS – Nate, Scott. Total – 2.

Absent – Moyle, Thompson. Total – 2.

Total – 70.

Whereupon the Speaker declared that **H 356**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 462, as amended - HUNTING AND TRAPPING**

**H 462**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

At this time, Mr. Moyle took the Chair.

The question being, "Shall **H 462**, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Kauffman, Kerby, Loertscher, Luker, Malek, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Perry, Raybould, Redman, Romrell, Rudolph, Rusche, Scott, Shepherd, Sims, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wood, Youngblood. Total – 57.

NAYS – Chew, Erpelding, Gannon, Jordan, King, Kloc, McCrostie, Pence, Rubel, Smith, Wintrow. Total – 11.

Absent – Thompson, Mr. Speaker. Total – 2.

Total – 70.

Whereupon the Speaker Pro Tem declared that **H 462**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

**H 491, as amended - LIENS**

**H 491**, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Kerby to open debate.

The question being, "Shall **H 491**, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood. Total – 68.

NAYS – None.

Absent – Thompson, Mr. Speaker. Total – 2.

Total – 70.

Whereupon the Speaker Pro Tem declared that **H 491**, as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Crane asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Fifteenth Order of Business.

**15TH ORDER**  
**Announcements**

Announcements were made to the body.

**16TH ORDER**  
**Adjournment**

Mr. Crane moved that the House adjourn until 10:30 a.m., Friday, February 26, 2016. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 11:59 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk